

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JASON DREYER,

Plaintiff,

v.

Case Number 05-10285-BC
Honorable Thomas L. Ludington

EXEL INDUSTRIES, INC.; KREMLIN, INC.;
KREMLIN-REXSON S.A.; EXEL NORTH
AMERICA, INC.; EXEL INDUSTRIAL, INC.,
Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR DECLARATION
OF SERVICE OF PROCESS AND FOR DEFAULT,
GRANTING PLAINTIFF'S MOTION TO AMEND,
CANCELLING HEARING, AND EXTENDING
DISCOVERY CUT-OFF**

On November 4, 2005, Plaintiff Jason Dreyer filed suit against two foreign defendants and three domestic defendants, alleging negligence and breach of warranty for injuries he claims that he suffered while operating a paint sprayer. On February 12, 2007, Plaintiff filed a motion for an order declaring proper service on Defendant Kremlin-Rexson, S.A. On February 16, 2007, Plaintiff filed a motion to amend his complaint. On March 6, 2007, Defendant Kremlin-Rexson S.A. filed an answer.

The Court has reviewed the parties' submissions and concludes that further oral argument will not aid in the disposition of the motion. Accordingly, it is **ORDERED** that the motion be decided on the papers submitted. *See* E.D. Mich. LR 7.1(e)(2).

Defendant Kremlin-Rexson S.A. filed an answer after Plaintiff filed his motion to declare proper service under the Hague Convention, 20 U.S.T. 361. Consequently, the status of service of process on Defendant Kremlin-Rexson S.A. is rendered moot.

Regarding Plaintiff's motion for leave to amend his complaint, Federal Rule of Civil Procedure 15 requires that a court grant leave to amend freely, as justice so requires. Given this liberal standard, leave to amend is appropriate. The addition of a demand to pierce the corporate veil may require additional discovery.

Accordingly, it is **ORDERED** that Plaintiff's motion to declare that Plaintiff properly served Defendant Kremlin-Rexson S.A. and to enter default [dkt #30] is **DENIED** as moot.

It is further **ORDERED** that Plaintiff's motion to amend [dkt #32] is **GRANTED**. Plaintiff shall file its amended complaint on or before **March 20, 2007**.

It is further **ORDERED** that the hearing scheduled for March 9, 2007 at 11:00 a.m. is **CANCELLED**.

It is further **ORDERED** that the discovery cut-off is **EXTENDED** to **June 6, 2007**. A revised case management order will issue to adjust related dates accordingly.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: March 6, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 6, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS